

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT**

Docket Number (Optional)

301-396

**RECEIVED**

SEP 02 2004

Technology Center 2600

In re Application of: Sainton et. al.

Application No.: 09/670,696

Filed: September 28, 2000

For: ADAPTIVE OMNI-MODAL RADIO APPARATUS AND METHODS

The owner\*, MLR, LLC, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,134,453. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.

*Charles M. Leedom, Jr.* 8-26-04  
Signature Date

Charles M. Leedom, Jr.

Typed or printed name

703 241 0165

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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# FEE TRANSMITTAL

Patent fees are subject to annual revision on October 1. These are the fees effective October 1, 1997. Small Entity payments must be supported by a small entity statement, otherwise large entity fees must be paid. See Forms PTO/SB/09-12.

## Complete If Known

Application Number

Filing Date

First Named Inventor

Joseph B. Sainton

Examiner Name

Group Art Unit

TOTAL AMOUNT OF PAYMENT

\$744.00

Attorney Docket Number

0301-396

## METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:  
Deposit Account No. 19-2380  
Deposit Account Name: NIXON PEABODY LLP

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17  
☐ Charge the Issue Fee Set in 37 CFR 1.18 at the Mailing of the Notice of Allowance

2. ☒ Payment Enclosed:

☒ Check ☐ Money Order ☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
101	201	690	345	Utility filing fee	[690]
106	206	310	155	Design filing fee	[ ]
107	207	480	240	Plant filing fee	[ ]
108	208	690	345	Reissue filing fee	[ ]
114	214	150	75	Provisional filing fee	[ ]
SUBTOTAL (1)					\$690.00

### 2. EXTRA CLAIM FEES

Total Claims	23	- 20 =	0	x	18	=	\$54
Independent Claims	9	- 0 =	0	x	0	=	
Multiple Dependent Claims							
**or number previously paid, if greater. For Reissues, see below							
Large Entity	Small Entity	Fee Description					
Fee Code (\$)	Fee Code (\$)						
103 18	203 9	Claims in excess of 20					
102 78	202 39	Independent claims in excess of 3					
104 260	204 130	Multiple dependent claim					
109 78	209 39	**Reissue independent claims over original patent					
110 18	210 9	**Reissue claims in excess of 20 and over original patent					
SUBTOTAL (2)							\$54.00

## 3. ADDITIONAL FEES

Large Entity

Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge-late filing fee or oath	
127	50	227	25	Surcharge-late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Ext for reply within first month	
116	380	216	190	Ext for reply within second mth	
117	870	217	435	Ext for reply within third mth	
118	1,360	218	680	Ext for reply within fourth mth	
128	1,850	228	925	Ext for reply within fifth month	
119	300	219	150	Notice of Appeal	
120	300	220	150	Filing brief in support of appeal	
121	260	221	130	Request for Oral Hearing	
138	1,510	138	1,510	Petition to institute public use proceeding	
140	110	240	55	Petition to revive-unavoidable	
141	1,210	241	605	Petition to revive-unintentional	
142	1,210	242	605	Utility issue fee (or reissue)	
143	430	243	215	Design issue fee	
144	580	244	290	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	240	126	240	Submission of IDS	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	760	246	380	Filing a submission after final rejection (37 CFR 1.129(a))	
149	760	249	380	For each additional invention to be examined (37 CFR 1.129(b))	
SUBTOTAL (3)					

## SUBMITTED BY

Typed or Printed Name

Charles M. Leedom, Jr.

Signature

*Charles M. Leedom Jr.*

Date

9-26-00

## Complete (if applicable)

Reg. Number

26,477

Deposit Account User ID

19-2380

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.